ALABAMA HAZARDOUS WASTES MANAGEMENT AND MINIMIZATION ACT (AHWMMA)
Compliance Evaluation Inspection (CEI) Report

1) **Author of Report**

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Alabama Department of Environmental Management (ADEM) 1400
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Montgomery, AL 36110

2) **Facility Information**

Benjamin Moore and Company (BMC)
109 Bamberg Drive
Pell City, Alabama 35125 St.
Clair County
EPA ID Number: ALD981472798
NAICSCode: 325998
Website: www.benjaminmoore.com

3) **Responsible Officials**

Mr. Max Breckenridge – Environmental, Health, and Safety Manager

4) **Inspection Participants**

Mr. Max Breckenridge - BMC
Mr. Corey S. Holmes- ADEM
Ms. Christina Hall - ADEM

5) **Date of Inspection**

December 19, 2018

6) **Applicable Regulations**

ADEM Administrative Code Division 335-14, Hazardous Waste Program Regulations

7) **Purpose of Inspection**

To determine BMC compliance with the requirements of the Hazardous Waste Program regulations.

) **Facility History & Description**

BMC is a manufacture of paints and stains for commercial use, with a primary focus on architectural applications. The facility uses liquid and dry chemical processes that result in any color or tint a customer may request. The paints are manufactured in sizes that vary from quart containers to 250- gallon totes. All products that are shipped from this facility are transported directly to BMC distribution warehouses throughout the country. BMC has been in operation at the Pell City, AL location for approximately thirty years and has a workforce of approximately 140 people.

BMC has two paint manufacturing plants located at the site; Low Flash Building and Main Building. The paint manufacturing process starts with paint pigments (color) being ground to the desired size. The pigment is then added to a binder, which is the film-forming component of paint. The binder imparts adhesion and strongly influences properties such as gloss, durability, flexibility, and toughness. After the desired color has been achieved the solvent is then added. The main purpose of the solvent is to adjust the viscosity of the paint. Once the desired color and viscosity are met the paints are packaged and sent to BMC distribution centers. When colors are changed the tanks are washed with solvents. After cleaning, these solvents are sent through a closed loop system (as described by Mr. Breckenridge) to a distillation unit. The distillation unit cleans the solvent and then sends the cleaned solvent back to the good solvent tank.

The facility submitted a *Notification of Regulated Waste Activity* form (ADEM Form 8700-12, received by the Department on March 12, 2018) identifying itself as a large quantity generator of hazardous waste and a small quantity handler of universal waste. .

9) **Observations**

We arrived at the facility on the morning of December 18, 2018. Mr. Breckenridge greeted us. During the opening meeting with Mr. Breckenridge, we informed him that the purpose of the CEI was to evaluate BMC's compliance with the AHWMMA and its implementing regulations. We also informed him that the CEI would involve an examination of any and all generation, treatment, storage, and disposal areas and a review of certain records.

ADEM

Following the opening meeting, we conducted a walk-through inspection of the facility where I noted the following:

Low Flash Building

Paints that dry by solvent evaporation and contain the solid binder dissolved in a solvent are manufactured in this area. This building is a spark free environment (No cameras allowed).

Low Flash Warehouse

In this area, I observed one 30 cubic foot wooden crate containing spent florescent bulbs. The crate was labeled "Universal Waste Lamps". The crate was closed and was marked with an accumulation start date that was less than a year.

Low Flash Mix Area

In this area, I observed two 55-gallon metal satellite accumulation area (SAA) drums (D001, F003). The drums were labeled "Hazardous Waste", closed, and marked with appropriate signs to indicate the hazards of the drums. The Satellite drums were under the control of the operator generating the waste.

90- Day Hazardous Waste Storage Area

At the time of the inspection, all hazardous waste stored in the 90-Day Hazardous Waste Storage Area was being loaded onto a truck for transportation to a disposal facility. BMC had staged thirty-four 55 gallon hazardous waste drums at the loading dock. The drums were labeled with the words "Hazardous Waste", closed, and marked with appropriate signs to indicate the hazards of the drums. The oldest accumulation start was 11/12/2018. Twenty-eight 55 gallon hazardous waste drums were already loaded onto the transporters truck and we were not able to inspect.

Low Flash Fill Tower

In this area, I observed one 55-gallon metal SAA drum (D001, F003). The drum was labeled "Hazardous Waste", closed, and under the control of the operator generating the waste.

Main Building

Paints that are a water-borne dispersion of synthetic polymers are generated in this area. These paints cure by a process called coalescence where first the water, and then the trace solvent, evaporate and draw together and soften the binder particles and fuse them together into irreversibly bound networked structures, so that the paint will not re-dissolve in the solvent/water that originally carried it.

Small Batch Main Building

In this area, I observed two 55-gallon drums containing spent solvent (D001, F003). The drums were labeled "Hazardous Waste", closed, and under control of the operator generating the waste.

Main Building Fill Tower

In this area, I observed one 55-gallon SAA drum (D001, F003). The drum was labeled "Hazardous Waste", closed, and under control of the operator generating the waste.

Main Building Maintenance Area

In this area, I observed three universal waste lamp containers. All of the containers were labeled and marked with an accumulation start date (that was less than a year).

Distillation Unit

In this area, solvents used to clean the paint mix tanks are hard piped to a 5,000 gallon holding tank that feeds the distillation unit. After the solvents are treated in the distillation unit they are hard piped back to the good solvent tank.

A review of the hazardous waste manifest, indicated that BCM emptied the distillation holding tank eight times in 2018 and seventeen times in 2017. The spent solvent from the distillation holding tank was manifested offsite as hazardous waste. Mr. Breckenridge stated that BMC was having problems with the distillation unit keeping up with the amount of spent solvent that was generated. He stated that about once a month approximately 4,500 gallons of spent solvent is removed from the tank and manifested offsite. The distillation holding tank is being operated as a hazardous waste storage tank, and would be required to meet all regulatory requirements of a hazardous waste storage tank.

The distillation holding tank is being operated within secondary containment. However, the tank was not labeled with the words "Hazardous Waste". Subpart CC and Subpart BB identification tags were not attached to the holding tank or all equipment (e.g., valves and ancillary equipment) that contacts organic hazardous waste.

Following the walk-through inspection, we conducted a review of relevant documents.

Records Review
We reviewed the facility's contingency plan, personnel training records, inspection logs, and the waste minimization plan.

- Daily tank inspections for the distillation holding tank were not being conducted.
- Certified engineer assessment of the integrity of the distillation holding tank has not been conducted.

10) Summary

This inspection was performed to determine the facility's compliance with all applicable requirements of Division 14 of the ADEM Administrative Code. During the inspection, the following deficiencies were noted:

- Subpart CC and Subpart BB identification tags were not attached to the distillation holding tank or required ancillary equipment
- The distillation holding tank was not labeled "Hazardous Waste"
- Daily hazardous waste tank inspections had not been performed on the distillation holding tank
- An Engineering assessment of the distillation holding tank storing hazardous waste had not been performed

During the closing meeting, we discussed the preliminary findings of the CEI. After the closing meet we departed the facility.

11) **Signed**

Compliance and Enforcement Section, Industrial Hazardous Waste Branch
Land Division

January 18, 2019
Date

12) **Concurrence**

Brent A. Watson, Chief
Compliance and Enforcement Section
Industrial Hazardous Waste Branch
Land Division

Date